

SS.  
38.1:  
6



312066 0271 3389 7

31/1/86 ✓



# SPECIAL EDUCATION

*Pioneer in education progress  
for more than a decade*

---

The annual report  
of the Division of Special Education,  
Massachusetts Department of Education  
**June 1986**

---

GOVERNMENT DOCUMENT  
COLLECTION

NOV 5 1986

University of Massachusetts  
Depository Copy





# SPECIAL EDUCATION

*Pioneer in education progress  
for more than a decade*

The annual report  
of the Division of Special Education,  
Massachusetts Department of Education  
June 1986

GOVERNMENT DOCUMENT  
COLLECTION

NOV 5 1986

University of Massachusetts  
Depository Copy



MASSACHUSETTS DEPARTMENT OF EDUCATION  
1385 Hancock St., Quincy, Mass. 02169  
Telephone (617) 770-7500

MASSACHUSETTS BOARD OF EDUCATION

Mr. James F. Crain, Chairperson, Gloucester  
Rev. Paul V. Garrity, Vice Chairperson, Lowell  
Mr. Christopher H. Collins, Millis  
Ms. Milca R. Gonzalez, Shrewsbury  
Mr. James R. Grande, Hanover  
Mr. Joseph E. Killory, Sandwich  
Mr. Sol Kolack, Newton  
Mrs. Anne S. Larkin, Bedford  
Mrs. Loretta L. Roach, Boston  
Mr. Joseph C. Savery, Lee  
Mrs. Mary Ellen Smith, Boston  
Ms. Mary C. Wright, Falmouth

Ex Officio: Joseph M. Finnegan, Interim Chancellor,  
Board of Regents of Higher Education

Secretary: Harold Raynolds Jr.,  
Commissioner of Education

Roger W. Brown, Associate Commissioner  
Division of Special Education

Judith I. Riegelhaupt, Executive Director  
Division of Special Education

Dr. Sharon C. Goldsmith, Director  
Bureau of Program Development and Evaluation

Russell P. Burbank, Editor  
Marie E. Kasper, Designer and Artist

PHOTO CREDITS

page 6 Pat Egnat  
page 19 Carol Lee Griffin  
page 25 Pat Butler  
pages 28, 31, 35 Lorenzo Deitch

Publication # P810131  
State Purchasing Agent

Approved by Daniel D. Carter,

THE MASSACHUSETTS DEPARTMENT OF EDUCATION INSURES  
EQUAL EMPLOYMENT/EDUCATIONAL OPPORTUNITIES/AFFIRM-  
TIVE ACTION REGARDLESS OF RACE, COLOR, CREED, NATIONAL  
ORIGIN OR SEX, IN COMPLIANCE WITH TITLE IV AND TITLE IX, OR  
HANDICAP, IN COMPLIANCE WITH SECTION 504.

## 'I'm delighted to become a part of this continuing effort'



In special education Massachusetts is a "pioneer in educational progress." I am delighted to become a part of this continuing effort, as Commissioner of Education in Massachusetts. I have had experience with the pioneering spirit, as education commissioner in Maine and Alaska, and I support its application to education.

I have often recognized Massachusetts' leadership in special education. Chapter 766 has shown me how special education has provided models for all education systems to use in achieving progress. Noteworthy in Massachusetts has been the strong role that parents have played. It is important for us to continue to strengthen this role and to strengthen parent/school partnerships as well.

I look forward with great interest to direct involvement in the pursuit of excellence in educational opportunity for all

children. Of particular importance at this time are the needs to expand and improve services for very young children with special needs, and to foster the revival and enrichment of remedial services apart from special education. These services are of great benefit to school age young people with special needs. It is also important to focus greater attention on the need to prepare young people with special needs for employment and community living, in order to foster their successful transition to adult life.

Working together in partnership on these efforts will assure our success, and I look forward to our future with great enthusiasm.

**HAROLD RAYNOLDS JR.**  
Commissioner of Education



## 'We look ahead to new and continuing challenges'



The Massachusetts Board of Education has demonstrated steadfast support for special education since the inception of Chapter 766 in 1974. Resources have been drawn from all quarters of the Department of Education in the quest for excellence in the provision of special education during these exciting and often pioneering years.

The dynamics of implementing this mandate have brought about remarkable achievement in the delivery of services to the special needs population while at the same time raising again and again challenging educational policy questions.

As we report here on what has been accomplished we look ahead to new and continuing challenges in the coming years that will include:

- The restoration of remedial services and support services in regular education with the advent of educational reform through

Chapter 188, the School Improvement Act of 1983.

- Improved and expanded services for developmentally disabled children from the time of their birth, provided through Chapter 699, the Early Childhood Intervention Act of 1983, and continuing services provided through public school programs at age three.
- Better preparation for adult life and expanded programs and opportunities for young people with special needs who are making the transition to community living and adulthood in accord with Chapter 688.

Meeting these challenges will be an absorbing task. We know they can be met successfully, and that students with special needs will continue to have their needs fulfilled in our Commonwealth

ROGER W. BROWN  
Associate Commissioner  
for Special Education  
Massachusetts Department of Education



# CONTENTS

Foreword	2
Highlights of the year	5
How special education got its start	7
Early Childhood to adulthood: Meeting a new need for education	15
Working with other agencies	17
Disbursing the Federal dollars	21
How Federal funds for education were spent in Massachusetts	25
Watching out for programs	28
Meeting the need for training	31
Educating children in state facilities	35
Safeguarding the rights of students and parents	39

# FOREWORD

Not all students learn easily. Some require help to learn even the basic skills needed to walk, talk or feed themselves, while others need only a little extra educational push so they can keep up with their classmates. This is what special education is all about—helping children and young people learn despite their varying levels of ability.

It also is about helping them to achieve their fullest potential, and about helping those who might become lost in a society that emphasizes success and accomplishment.

One of every seven students in Massachusetts public schools receives special education help. It is a student's right under Massachusetts' special education law, Chapter 766.

Implementing and enforcing this law is the job of the Massachusetts Department of Education, a state agency with headquarters in Quincy and personnel in six regional education centers around the state. This annual report describes what has happened in the Department's Division of Special Education during the past year, and also outlines the work of the division and how it operates.

Dr. Roger W. Brown, associate commissioner of the Department of Education and head of the Division of Special Education, believes the agency's single most important activity during the year was to rewrite the regulations that spell

out how Chapter 766 should be administered. "The process became a rekindling effort, with a lot of people involved and thinking about the subject of special education," he said.

"The fact that so many people have been associated with this process, have provided input and have expressed their thoughts, makes this activity significant. It has rekindled interest—and concern—in special education."

Dr. Brown believes the rewriting of the regulations also created a unique opportunity for both advocates and adversaries to comment on the way Chapter 766 is working after more than a decade of use—"and this is a healthy process."

He also talks about another happening during the year—the growing surge of interest in the expansion of special education services to very young children. "This is something we have long supported and have tried to speak to," he said. "A lot of forces are coming together, and the people involved are recognizing the importance of recent developments in this area. This will lead to many creative partnerships, and to developing new programs for special education during early childhood."

He expects that the new emphasis on early childhood education also will have a far-reaching effect on children who learn normally, by including them in the process of educating each child according to his or her own rate of development. "In the future it

will become less of a special education issue and more of a question of the gradual evolution of each individual child's education."

Dr. Brown added, however: "More remains to be done in special education, and what remains to be done will be the most difficult to accomplish." Over the years, the special education law has been examined, tested, and put to extensive use, he noted. "Any remaining problem areas contain very complex issues to resolve. If they were not complex, they would have been resolved by now."

Solving the problems will be made more difficult by imminent cutbacks in financial resources, he said. "We will be trying to adjust to solving problems with fewer resources at our disposal. This will require much more cooperation, participation, and sharing among the various agencies."

One step already taken toward cooperation and sharing is a new interagency agreement that coordinates the efforts of all the state agencies whose work involves children and young people. It outlines the circumstances under which the agencies work with school districts using Chapter 766 and other laws which provide students with special education and other services. Dr. Brown said: "The interagency agreement holds promise, but it has to be followed by action. This is only a beginning. We need actual programmatic and resource decisions over an extended period of time."

# FOREWORD

Any consideration of the financial aspects of special education should note the human and financial savings which Chapter 766 is providing, Dr. Brown said.

For years, young people with special learning needs had been discriminated against, perhaps hidden away in institutions and denied an opportunity for equal access to public education. Chapter 766 was enacted to change those conditions. It has enabled many of these young people to stay in school instead of dropping out, and has given them an opportunity to grow into useful members of society. Some advocates say it has even helped to reduce the juvenile crime rate.

Special education has conferred upon society an awareness that severely handicapped people don't have to spend their lives in hospitals. Instead, they can function independently and be part of a more stimulating environment outside institutions.

Special education also has increased society's expectations that every student's problems can be overcome, or at least alleviated. There is a new willingness on the part of society to recognize the potential of handicapped students, and not to lock them up, keep them out of sight, forget them. There is a new emphasis on vocational opportunities that did not exist a few years ago.

Teachers have been benefiting, too, through working with students who have special needs. Their teaching skills are being

enhanced, they are becoming more sensitive to pupils' needs, more aware that there are special needs among their students and that each one is an individual.

A strong case can be made that special education, in addition to its soundness as an educational and social policy, is also cost-efficient. According to Department of Mental Health data, the average cost of institutionalization is \$47,000 a year. In Massachusetts, Chapter 766 has dramatically reduced institutional placements and children and young people who once lived in institutions are today being educated in local schools—at much lower cost. The number of handicapped students in state institutions has been reduced by approximately 2,150 since 1974, to 449. Most handicapping conditions are being met by special help which supplements the regular classroom placement of a student.

Headlines sometimes emphasize instances in which thousands of dollars are spent for special schooling—for students attending a special day or residential school, as an example. However, this type of special education represents only 3.3 percent of the total spent for special education. Most of the other 96.7 percent is spent for students who are in local schools.

Another financial point often overlooked is that special education is not always long-term education. Many students spend only a few years in special education programs before they catch up with their peers and

return to regular classes.

Statewide average per pupil costs of special education have increased 93 percent since 1973-74. Statewide average per pupil costs for regular education have increased 135 percent in the same period. A recent large increase in state aid has helped cities and towns, many of which were hit hard by the taxcutting effects of Proposition 2 ½, to meet the costs of special education. Other new legislation requires the Commonwealth to assume the private day and residential school costs of abandoned children whose parents no longer reside in Massachusetts.

On the following pages are details of activities in the Division of Special Education during the fiscal year 1985-86. Anyone who would like additional information is welcome to contact the central office at 135 Hancock St., Quincy, Mass. 02169. The telephone number is (617) 770-7481.



## HEIDI

Heidi was born without normal eyes, a condition known as anophthalmia. She was enrolled in the infant and toddler program at the Perkins School for the Blind and attended class there one morning a week. A staff member also made a weekly visit to Heidi's home.

After a while the staff worker discovered that Heidi did, in fact, have the beginning of what could become normal eyes. Although she still had significant visual impairment, she began to see brightly colored objects and could navigate a familiar environment with minimal tripping and bumping.

Still, she was delayed in language, cognitive, motor and social development, was easily distracted, and showed other learning problems.

Meanwhile, two other visually impaired preschool children had been identified in the area served by an educational collaborative near where

Heidi lived, so a program was developed for visually impaired preschoolers. Two months before she became three years of age, Heidi was enrolled in the collaborative's summer program.

Heidi's progress at the collaborative was "unbelievably exciting," said the teacher there, who had worked with visually impaired children for 15 years. Heidi was soon considered a partially sighted child because she could see large letters out of one eye, a fact attributed to her increasing maturity and a visual stimulation program that her parents and teacher carried out daily.

She learned quickly. In six months she made a year of progress. Her expressive language was above her age level. Her motor skills were vastly improved, and she could string one-inch beads deftly.

Heidi's teacher described her as a darling, lovable whirlwind who was delighting everyone with her progress.

# HIGHLIGHTS

*Here are some of the projects that have been taking shape in the Division of Special Education recently.*

—Chapter 766 regulations were reviewed and updated, at the request of the Board of Education. Public hearings were held in six locations, to gather opinions regarding how services to handicapped students are to be provided by school districts. The regulations are reviewed every few years to ensure that they are consistent with new federal and state regulations, legal decisions, and other mandates. The last review was in 1981.

—A new emphasis is being placed on meeting the needs of preschool children who have special education needs. During the 1985-86 budget period, through an Early Childhood Allocation program, school districts are receiving \$3.3 million to expand and improve services to three- and four-year-old children with special needs.

—New regulations governing private schools that provide special education services under Chapter 766 were presented to the Board of Education, which approved them. The Division, in its role of overseeing these private schools, has audited educational programs of 73 private schools, a third of the total number.

—A Discipline Policy was prepared for students with special needs, after extensive discussion and negotiations. The policy has been approved by the Board of Education.

—Significant progress was made toward accommodating the agency's information needs with microcomputers and software packages. Field tests were conducted for augmentative communication devices and other new instructional technology used in public and private schools. An electronic information sharing system for use by special education professionals is being pilot tested, and specialists are developing a computerized mail and electronic bulletin board that will be used by the Department of Education and selected school districts to share information on special education programs and resources.

—More than \$1 million has been committed toward Regional Technical Assistance Grants over the past four years in four areas, and \$991,000 has been contributed toward the Commonwealth Inservice Institutes program.

—School districts have received training and technical assistance in the use of a recommended special education program evaluation instrument. The effectiveness of special education program evaluation procedures used by school districts is being studied; results of the study and recommendations will be made available to school districts.

—A Leadership Academy for special education administrators, conducted in cooperation with Boston College, has served more than 170 persons in a two-year program that resulted from a federal training grant.

—Parents of special needs students have received training in working with their children to develop learning skills.

—More than 500 state and local staff persons were trained at 17 sessions throughout the state in federal grants administration and budgeting, and in auditing for public agencies.

—Educators in institutional schools were provided seminars on critical topics of adolescence, and workshops were held for teachers of behaviorally disordered students.

—Secondary vocational training programs were promoted for handicapped youths, in a cooperative effort with the Division of Occupational Education. Between 1980 and 1985 more than \$10 million in program development grants were awarded to 58 communities, with more than 9,000 students served. This year \$1 million was granted to 29 communities, to provide services to an additional 872 students. The grants promote expansion of occupational

education for special education students in comprehensive high schools and collaboratives.

—Twenty interagency agreements are in place. They involve the Departments of Youth Services, Mental Health, and Social Services; the Executive office of Human Services; Head Start; and county Houses of Correction. A new agreement was negotiated that commits other agencies to participate in the Chapter 766 individual instruction team process when appropriate. This participation will assure that services are coordinated for the child at the local level.

—To assure compliance with federal and state special education regulations, 79 school districts and collaboratives were monitored on site, 10 had program audits, 15 had compliance reviews, and 45 previously monitored districts received follow-up visits. Another 120 school districts received desk reviews.



# HOW SPECIAL EDUCATION GOT ITS START

Special education is a legacy of the Sixties, a result of a national ferment that produced several social reforms, one of which was a new awareness of the plight of students who were being shortchanged by the nation's school systems.

For many years young people with learning problems had been identified as possibly mentally retarded. They were given an IQ test, placed in a special class if their scores fell below an arbitrary number, and often forgotten. Classes for emotionally disturbed students were rare; the students often were assigned to special classes without formal testing and were placed in the same classes with the retarded despite their higher IQs.

The students in these special classes were rarely able to return to regular classes and they often became targets of abuse and prejudice by their peers and the school staff. The abuses were especially striking among students who were poor, were members of a minority group, or did not speak English; they were assumed to be mentally retarded, even though they coped with life successfully in their communities.

Eventually, many of the practices that public schools used for the handicapped came under scrutiny, and conditions began to change. As Milton Budoff and Alan Ornstein explained in their book, *Due*

## *Process in Special Education:*

"With the war on poverty, and the concomitant concern with human rights, the needs and rights of handicapped persons became a new source of concern. Parents became emboldened to seek more appropriate services for their special needs students when local, state and national advocate organizations publicly criticized school and human services practices. Parents who had once wholly trusted the school professional's judgment came to realize that schools had difficulty programming for students who required services beyond those provided to regular students.

"Middle and upper-income parents were concerned when their bright child was not learning to read and was unhappy in school, or when no services were available to their seriously handicapped child who was therefore excluded from school. These parents joined with those agitating for services for poor and minority children, pushing for a more responsive system of special education. Radicalized by their experiences, these parents sought remedies through court suits, exposes, and legislation."

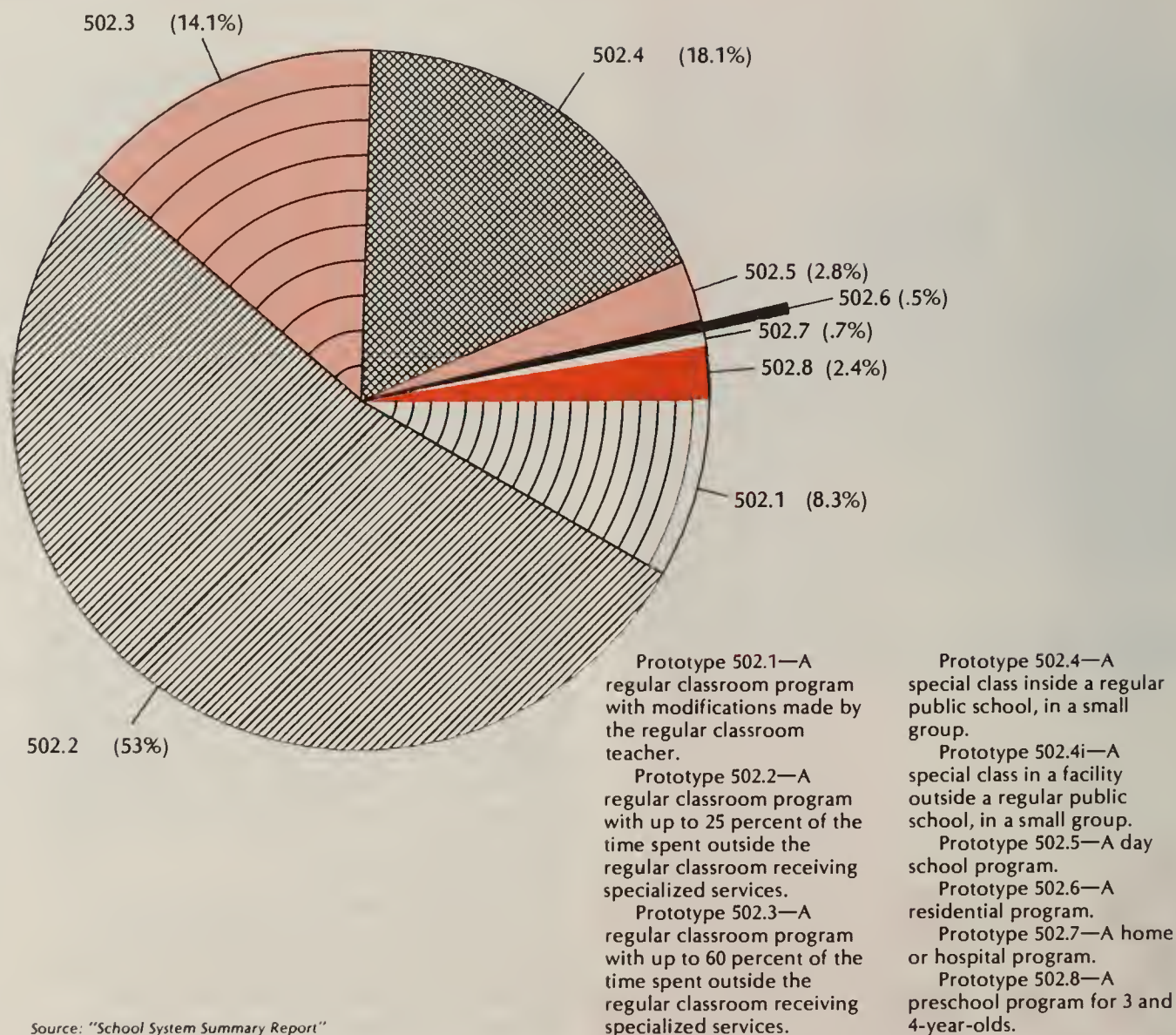
These activities by parents yielded research, litigation, and new state and

federal laws, all of which have combined to vastly increase the education services available to handicapped young people.

A few years ago a statewide survey asked questions about Chapter 766 to determine the general awareness and knowledge of the law, the attitudes people held toward its underlying concepts, their evaluation of its implementation, and their assessment of its impact. The survey included interviews, studies of 15 communities, and a Gallup poll. The results showed widespread support existed for Chapter 766 among educational professionals, parents and the public. These people not only endorsed the law's primary goal of aiding the handicapped, but also judged it a success in meeting that objective. Interestingly, the respondents most often mentioned progress toward meeting the education goals of all students as the best result of Chapter 766.

In the long run, Chapter 766 could result in improving all public education—if parents of students in regular classes decide their children should be getting the same attention as special education students.

### 1984-85 program distribution of Special Education children



Source: "School System Summary Report"

## MASSACHUSETTS LED THE WAY IN SPECIAL EDUCATION LEGISLATION

When Massachusetts' special education law, Chapter 766, became effective in 1974 it placed Massachusetts in the forefront in providing special education to young people.

Chapter 766 became the model for a federal law that took effect in 1978, guaranteeing handicapped people across the land the right to an adequate public education.

In many respects the federal law (PL 94-142, known as the Education of All Handicapped Children Act) parallels Chapter 766. It guarantees the same requirements and due process procedures. If Chapter 766 were repealed today, Massachusetts school districts would still be required to provide most of the same services they do now.

Chapter 766 guarantees five basic entitlements, which were reinforced by the federal law. These are:

- The right to a multi-faceted diagnostic evaluation.
- The right to an individualized educational plan.
- The right to placement in the least restrictive educational environment.
- The right to an appeals procedure.

—The right of parents and the child to participate in the design of the student's program.

Special education in Massachusetts is not necessarily a long-term program for students. Many receive help in one or two subjects for a year or so, enabling them to catch up with the progress of their classmates.

Special education classes are provided by every school system in the Commonwealth, and nearly every school system is involved in a special education collaborative program of some kind to meet the needs of students who have severe handicaps.

### School-age children receiving Special Education since Chapter 766

			% of School Enrollments:	
			Public	Public & Private
1974-75	80,964	(first year of 766)	6.7	6.0
1977-78	126,039	(fourth year of 766)	11.3	9.9
1978-79	129,746	(fifth year of 766)	11.9	10.7
1979-80	132,875	(sixth year of 766)	12.7	11.4
1980-81	135,739	(seventh year of 766)	13.5	12.1
1981-82	130,787	(eighth year of 766)	13.7	12.1
1982-83	130,028	(ninth year of 766)	14.2	12.4
1983-84	130,115	(tenth year of 766)	15.4	12.8
1984-85	131,864	(eleventh year of 766)	15.3	13.1

## CHAPTER 766: SEEN FROM A LONG PERSPECTIVE

Chapter 766 was landmark legislation. Before it was enacted, separate sets of laws existed for different types of disabilities. There was no single comprehensive law that addressed all special needs.

The system in place before Chapter 766, the Chapter 750 program, was cumbersome, stigmatizing, and inequitable. A parent was required to petition the Governor's Office to receive services when a student could not be instructed in the public school. It was a system that labeled students, discriminated against them, and often forgot them.

For centuries, many people with severe special needs had spent their lives in institutions, receiving little or no education. Since 1974, Chapter 766 has significantly reduced the number of handicapped students under the state's charge in institutions; today, 93 percent of all special education students are served by public schools. Most of these students are receiving an individualized education that is tailored to meet their special needs, in the regular classrooms of local schools.

Chapter 766 represented years of planning, hard work and persistence. It is based on the conviction that special education services must be mandated across the state, and it has resulted in countless success stories in young peoples' lives.

The impetus for Chapter 766 came from

court cases, budgetary pressures, calls from legislators' constituents, and facts established in reports such as that of the Massachusetts Advisory Council on Education (MACE) and the Task Force Report on Children Out of School.

Another law, the Bilingual Education Act of 1971, broke the ground for special education as well as other areas, and succeeded in bringing together disparate groups of constituents. At that time people representing various disability groups were meeting almost weekly at the State House, and they continued to meet throughout the long legislative process that produced Chapter 766. These groups joined forces to become the Massachusetts Coalition for Special Education, and kept up their efforts. With each revision of the proposed bill, more and more special needs students would be better served until, finally, once the bill became law, no special needs student could be denied a publicly supported education.

When Chapter 766 was signed into law by Gov. Francis Sargent on July 12, 1972, it encouraged special educators to develop remedial, compensatory strategies for the education of their disabled students. It directed the school systems of Massachusetts to help handicapped students prepare for active roles in the world.

This was to be accomplished mainly by a

process known as “mainstreaming,” bringing students with handicaps into regular school classrooms so they could share everyday school life rather than being segregated in special classes during all their school hours. There also was emphasis on creating a favorable learning environment for these students, on creating a school setting that promotes learning.

Because of Chapter 766, special education has been a priority established by the state Board of Education for more than 10 years. The law has assured appropriate services for special needs students from the ages of three through twenty-one. It has provided a flexible, uniform system that opened up education opportunities to all students who required special education and allowed them access to a free public education within the least restrictive environment.

Chapter 766 was reinforced in 1978 by the federal Education of All Handicapped Children Act but it still retains one distinctive feature: A non-categorical system of classifying students served under the law.

Gone were such labels as mentally retarded, emotionally disturbed and learning disabled. Instead, students would be distinguished by a system of prototypes denoting the school environment in which they were placed. The eleven prototypes

range from a mainstreamed classroom to residential placement.

Under the legislation signed in 1972, the law would be administered by a new division in the Department of Education—the Division of Special Education, which would help schools and parents work with the law and be responsible for disbursing funds.

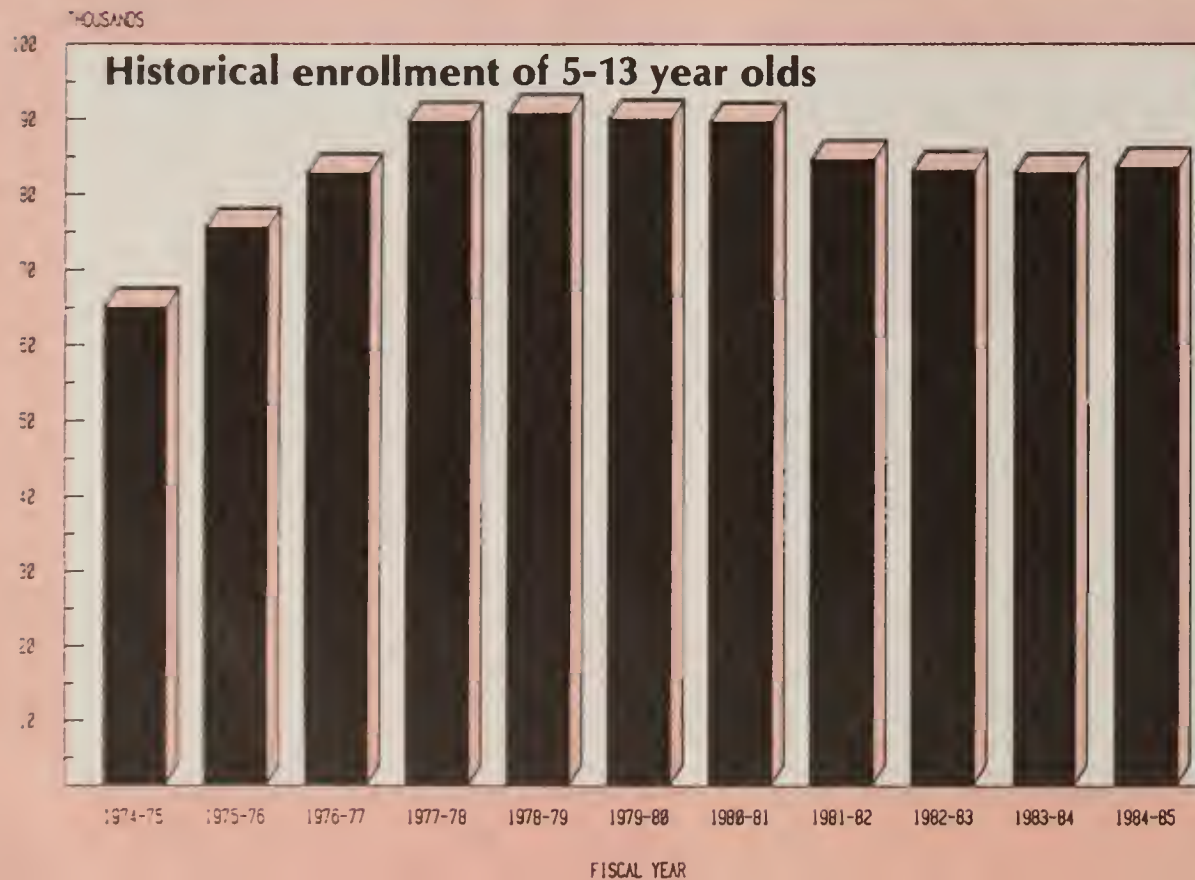
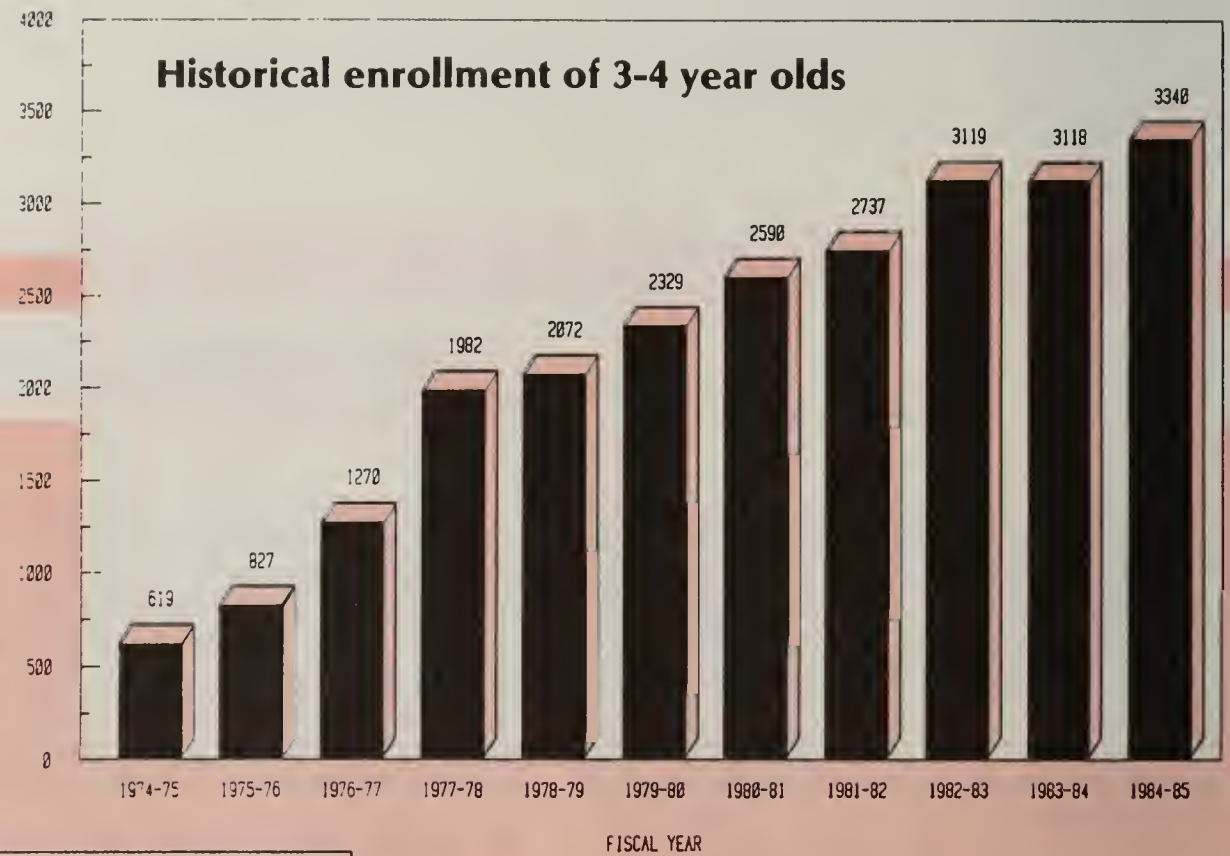
**‘Mainstreaming’ has brought students with handicaps into regular classrooms and everyday school life.**

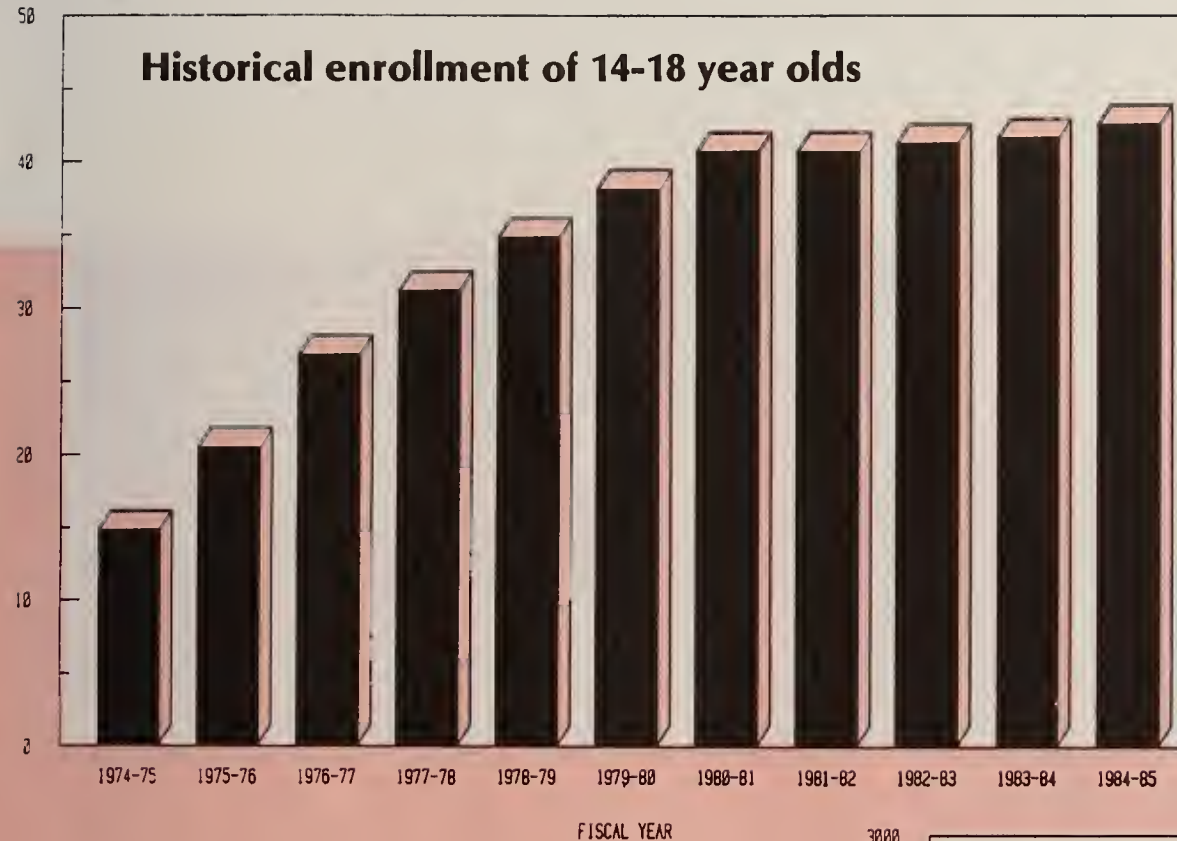
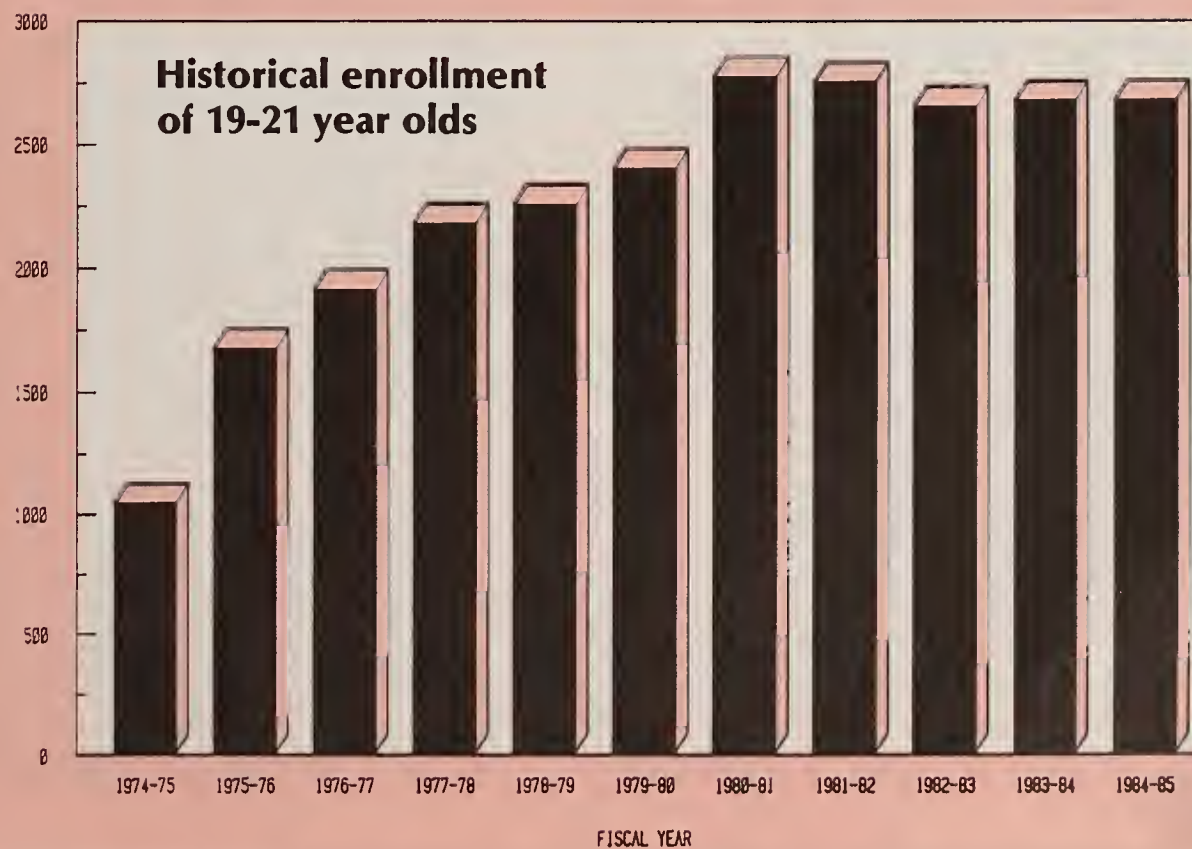
Parents of special needs students now had rights and responsibilities, one of which was especially important: They could sit on their child’s Evaluation Team, which might include a psychologist, a physician, a social worker, and education personnel, and could have an active role in developing their children’s Individualized Education Plan. The inclusion of parents in the team evaluation process has had a definite impact on teaching styles and methods, and has improved communication between parents and teachers.

In order to make the law really effective, school officials, teachers and parents all required training, so groups such as the Federation for Children with Special Needs were born. To this day, the Federation and the Division of Special Education work together to train parents of special needs students. This is often done through the Department of Education’s Commonwealth Inservice Institute grant program.

Today, local school districts, often working through educational collaboratives, have the capacity to serve the neediest of students.

# Special Education population



**Historical enrollment of 14-18 year olds****Historical enrollment of 19-21 year olds**

## PETER

A bilingual mother brought her five year old son to kindergarten daily. The mother was always holding in her arms another child named Peter who seemed small for his 18 or 20 months of age.

The kindergarten teacher, suspecting that Peter was delayed in his development, asked the mother how the child was doing. The mother spoke little English, so could not reply.

One morning, the teacher asked that an interpreter meet with her and the mother, and the teacher learned that Peter did not walk. The mother felt this was perfectly normal, and resisted the suggestion there was anything to be alarmed about.

The teacher recalled she had recently seen information on a program for children from birth to six years of age who have special needs, which was developed by the Massachusetts

Department of Education's Division of Special Education. She contacted the Department's regional education center and, with the help of an early childhood specialist, was able to find information written in the parents' language and programs that might help Peter.

After a great deal of support was provided by the teacher and the interpreter, the mother was directed to an Early Intervention Program funded by the Department of Public Health. A complete assessment showed that Peter had severe orthopedic delay. He could receive services in the family home and then gradually shift to a more formal program when it became appropriate. Peter's parents also would receive support from seminars.

When Peter became three, an appropriate program would be found in the local school system.

# EARLY CHILDHOOD TO ADULTHOOD:

## *Meeting a new need for education*

Chapter 766 was the first instance of a state or federal mandate to include at least some segments of the three- and four-year-old population among children eligible for and entitled to public education.

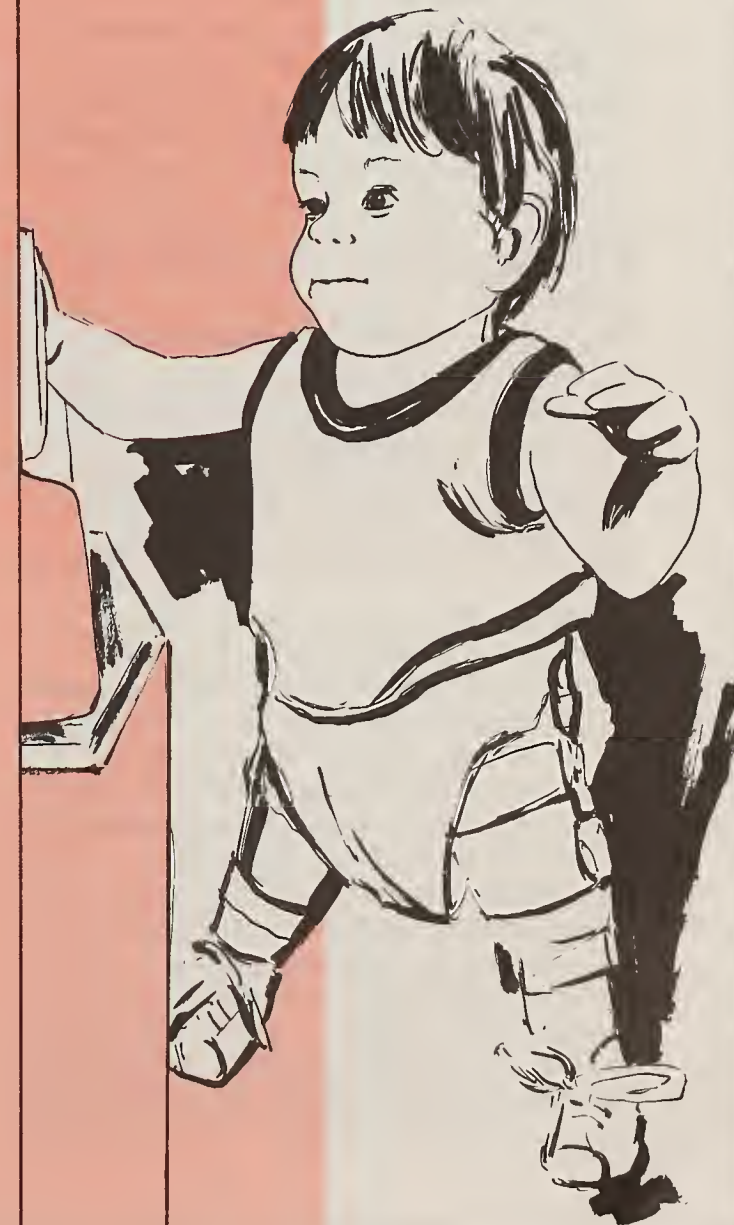
Prior to Chapter 766, special education programs for three- and four-year-olds in public schools were practically unheard of. The new law provided education for all special needs students between the ages of three and 22.

However, for a long while the legislature had recognized that there were unmet educational needs among other individuals—the young child from birth to three, and the young adult over 22. In 1983 the legislature approved two bills which bring within reach the goal of serving special needs students from birth to young adulthood.

One of these bills is Chapter 699, which for the first time provided education services

to children from birth to three years of age, and their families. The second is Chapter 688, which allows for continued services to young adults whose graduation or age no longer entitles them to special education. Both new laws are beginning to meet the needs of the groups they touch.

Chapter 699 provides early intervention services to children and families of children from birth to three years of age, who have handicapping conditions or are at risk for such conditions. These services are designed to minimize the potential for developmental delay, and to prevent institutionalization. The statute mandates that the Department of Public Health establish a statewide system of early intervention programs, develop regulations, and monitor the effectiveness of programs. In short, it brings early intervention services into a framework that resembles Chapter 766 services.



Chapter 688 provides a two year transition process for severely disabled young adults who will lose their entitlement to special education upon graduation from high school or reaching age 22. The law creates a single point of entry into the adult human services systems by developing an individual transition plan for persons found eligible for support services because they are disabled and will need ongoing services and support. A state human service agency is assigned to manage each case; coordinate the transition; work with the school, family and individual who is disabled; and convene an interagency team that writes the individual transition plan. The process is monitored by the Bureau of Transitional Planning at the Executive Office of Human Services.

Research has amply documented the positive impact that preschool special education programs have on children, their families, and society.

Preschool programs also make good sense from a financial viewpoint. A federal government study showed that for every \$1 invested in high quality preschool programming, there is a \$3 reduction in public special education costs. The study also showed that if intervention for handicapped infants is delayed until age six, education costs to age 18 are estimated at \$53,350. Intervention at birth is estimated to result in lower education costs of \$37,272, a savings of \$16,078.

During the 1985-86 budget period local school districts in Massachusetts are receiving \$3.3 million from the Division of Special Education to launch a new Early Childhood Special Education Allocation program. Each school system is eligible to receive \$1,000 per child for three- and four-year-old children served in 502.8 prototypes—programs specifically designed for three- and four-year-old special needs children.

Priorities for these grants are:

—First, to extend the effective scope of early childhood education. This is to be accomplished by 1) developing a process to increase the identification of three- and four-year-old special needs children; 2) developing a screening and assessment process appropriate for this young population; and 3) facilitating the transition of handicapped children two-and-a-half to three years of age from Early Intervention and other programs to local school districts' programs.

—Second, to develop preschool specialized programs. The goals are to serve three- and four-year-old children in the least restrictive setting, improve early childhood services for multicultural and bilingual special needs children, and develop a process in which parents are an integral component of the special education preschool program.

School districts receive technical assistance in early childhood education from Division of Special Education early childhood

specialists, and are offered a handicapped awareness program for school children which has been distributed throughout the state. The Division of Special Education also has secured federal funding for and managed an Interagency Planning grant, to plan a comprehensive program to address the needs of handicapped children from birth to five years of age, and their families.

Experts estimate that 6 to 12 percent of the nation's early childhood population is in need of special education, yet only about 4 percent receive it. Efforts to narrow this gap are bringing early childhood education to the center of the education stage across the nation, and in Massachusetts.



# WORKING WITH OTHER AGENCIES

State agencies that touch the lives of Massachusetts students work under a new interagency agreement negotiated this year which affects all school age children eligible for service from a human service agency—a broad range of students that includes those who are wards of the state, are emotionally disturbed, or have severe physical or mental handicaps.

The agreement was negotiated by the executive director of the Division of Special Education and signed by the Acting Commissioner of Education and the Secretary of Human Services.

The first year of implementation will be at selected sites in seven areas of the state. After an evaluation of the field test, the agreement may be modified and an updated agreement will be implemented statewide in the 1987-88 school year.

The agreement outlines the circumstances under which the agencies work together with school districts using Chapter 766 and other laws that give special needs students services from other human service agencies.

The agreement commits the agencies:

- to cooperate in special education evaluation teams;
- to obtain parental permission in any decisions that involve another agency;
- to serve the student on the community level.

The agreement says a student who needs special help should be educated in the least restrictive environment possible—and the best decisions about services for this student can be made by the people who provide the services on the local level, because they know both the student and the services that are available.

The agencies will plan for the needs of a special education student by using the Chapter 766 evaluation team process. The team will prepare an individual education plan for the school to follow. Other services from agencies may be included in the plan.

A representative of any of the agencies serving the student can be invited to be a member of the evaluation team or take part in the planning, providing that the child's parent consents.

The new policy may mean changes in the educational environment of some special needs students. Some students with severe educational handicaps will be educated in local schools rather than in a private school or institution. A variety of arrangements is possible, such as a child living in a group home and receiving mental health services at a local center, as well as special education in school.

The agreement includes the Department of Education, school districts, the Department of Mental Health, Department of Youth Services, Department of Social Services, Department of Public Health, Massachusetts Rehabilitation Commission,

the Massachusetts Commission for the Blind, and the Office for Children.

The agreement embodies the concept that special education should be based on a "commonality of interest" among all agencies and that services are best provided in the child's home community.

## **A new agreement helps state agencies meet the needs of Chapter 766 children**

In addition to providing educational advantages the agreement may save money for Massachusetts' taxpayers, because maintaining a special needs student in the community is less expensive than maintaining the student in an institution or paying resident tuition at a private school. The agreement also will reduce the costs of transporting a student to and from an institution or private school.

When it is fully implemented, the agreement will replace a 1976 "Interagency Agreement on the Clarification of Responsibility for School Age Children in the Custody of Human Service Agencies."

## DISCIPLINE POLICY SEEKS A BALANCE

The Board of Education has adopted a policy for local school districts to follow in disciplining students who are in special education programs.

The policy does not prohibit school administrators from suspending students, but does require a more deliberate review of the causes for suspension and, consistent with federal and state law, the development of an alternative program where appropriate. The policy establishes precisely when a special education student can be suspended. It requires schools to face the thorny question of whether a special needs student is misbehaving because of his or her special needs problem, or whether the behavior is not connected with the problem.

When it announced the policy, the Board of Education said, "... (W)e have sought a balance between the overall maintenance of discipline and the assurance that special needs students are not denied access to their educational programs due to suspension for behavior that is directly related to their identified special needs or because of an inappropriate special education program. . . ."

Students whose behavior is related to their special need must be placed in an appropriate program. In addition, the policy provides that a special needs student whose misconduct is not related to his or her

handicapping condition cannot be suspended from school for more than 10 cumulative days in a school year without notification to the Division of Special Education, and prior approval of an alternative plan for educating the student during the time of exclusion.

### Facing the thorny question of whether a student misbehaves because of special problems

School systems are required to file with the Department of Education their student Code of Conduct, which now must include the procedures they use for suspension of a special needs student. Every system will be required to notify its special education administrator of a suspendable offense by a special needs student, and to establish alternative programs for suspended special education students. These might include remaining in school to receive special services while being excluded from other,

regular education activities. Or, if the suspension requires that the student be out of school, the system can provide a home tutor or bring the student back to school for special education classes. The policy will require schools to evaluate the student's special education plan before the student is suspended for more than 10 days. In effect, school systems will be required to ask the question, "Is this student's special education program working?" If the answer is no, the school systems must change the program.

In short, the policy puts in place suspension procedures which assure that:

- students receive their statutory protections;
- special educators are involved in the decision to exclude students from school;
- the special education program is reviewed;
- an alternative form of education is provided; and
- the Department of Education carries out its approval responsibility in a consistent manner.

Some school systems have provided special education for students while they were suspended, while others have not. The new policy takes the pressure off local school officials by giving them a uniform rule to follow.

## HELP WITH A BUDGET PROBLEM

Two proposals placed before the General Court by the Department of Education are intended to help local school systems with budgetary burdens caused by a need to fund tuition for special needs students who are placed in special education private schools.

Legislation was filed to change the existing system under which the Department of Education reimburses cities and towns for residential program costs to one in which the Department pays its share (up to 60 percent of the total) of costs directly to the private schools.

Under the present system of reimbursement, school districts must pay "up front" the total cost of a residential school program, and then be reimbursed the following year by the Department of Education. Therefore, a school district must budget for the full program costs each year out of school department funds, while reimbursement is made to the general fund of the city or town rather than to the school department. This process inflates school system budgets and creates significant public misunderstanding and fiscal problems for the school districts.

The other bill would obligate the state to pay full costs of special education programs

at day or residential schools for students who have no parent or guardian living in Massachusetts. The department would assign a school committee to provide a special education program for the student and then pay the costs directly to the private school.

The provisions of these two bills have been combined with those of a third piece of legislation that would require the state to pay up to 60 percent of the first \$40,000 and 100 percent of costs above that amount for residential school placements. The combined bill is pending at this writing.



## ERNEST

When Ernest was a preschooler his mother sought help for him because of his unintelligible speech. He received special education help in his neighborhood public school—half an hour of speech and language therapy four times a week, plus help from his family at home. He made steady progress, but it became evident that it would take years before his speech would be normal.

When Ernest entered kindergarten he received extra help with speech and language. He also had special help in physical education because of his difficulty with coordination. He joined a “Y” and took part in every activity available.

When people didn’t understand what he was saying, he would patiently repeat his words, use gestures, or try to express his message in a different way. He never seemed to grow discouraged.

Ernest’s next six years in elementary school were spent in regular classrooms, with support from resource rooms. By the end of the sixth grade he was reading on a fourth grade level, but his writing and spelling skills were only on a third grade level. However, he understood concepts as well as other students did, and his

expressive language and motor coordination had improved significantly.

When Ernest went to junior high school, he was enrolled in a language based program. After a few months he began to lose his interest in school and his motivation to learn. For the first time his parents had to urge him to complete school assignments.

Ernest convinced his parents that he should not be in the language program but in a regular eighth grade, with resource room help when needed. They agreed, and were able to choose teachers who were willing to accommodate Ernest’s special needs. With the support of his family and the help of the teachers, Ernest was soon enthusiastic and diligent once again.

His confidence and desire to achieve were strong. He kept up his participation in “Y” programs and became a junior leader whose speech could be understood by everyone. When report cards were issued, Ernest’s family couldn’t believe their eyes. He had made “honorable mention.” That was a pretty good achievement for a boy who had once been severely developmentally delayed.

# DISBURSING THE FEDERAL DOLLARS

## Cost of Special Education since Chapter 766

*Despite a decline in federal funding for other program areas, funds for the education of handicapped children have remained constant or shown increases in recent years.*

Total expenditures by local education agencies

Year	Local	State	Federal	Total
1973-74	69,629,752	31,466,431	3,000,000	104,076,183
1974-75	112,922,411	78,594,332	4,230,123	195,746,866
1975-76	172,924,915	57,207,247	4,442,445	234,574,607
1976-77	137,252,261	95,241,147	2,959,657	235,453,065
1977-78	116,387,679	140,619,803	7,319,060	264,326,542
1978-79	194,356,423	90,701,760	15,617,332	300,675,515
1979-80	201,839,974	108,962,219	24,015,411	334,817,604
1980-81	227,498,277	119,287,985	24,564,498	371,350,760
1981-82	226,120,033	130,384,994	26,235,162	382,740,189
1982-83	239,784,070	148,656,483	26,917,741	415,358,294
1983-84	212,739,507	188,769,402	28,869,655	430,378,564
1984-85	213,849,505	205,254,168	29,748,777	448,852,450

(\$26 million "advanced state reimbursement" was distributed in FY'75.)

(Federal expenditures include only P.L. 94-142 funds actually distributed to local education agencies. Beginning in school year 1977-78, distribution of these funds shifted from a competitive basis to an entitlement.)

The costs of special education are shared by local school districts, the state, and the federal government. State assistance to the school districts comes in various forms including Chapter 766, the state's special education law.

The Department of Education, through its Division of Special Education, must determine eligibility for the federal government's funds and make certain they are distributed equitably. It disburses the money in grants to local education agencies, private schools and early intervention programs, the state Departments of Mental Health and Public Health, and the Division's own Bureau of Institutional Schools.

Federal money that comes to Massachusetts under PL94-142 is distributed according to a formula that is based on head counts of children—the eligible number of children times the amount per student that is available. Most of the federal money for special education comes from this law, which was enacted in 1975 to assure to all handicapped children "a free, appropriate public education" and to help states provide this education.

Federal money also is provided in a lesser total amount under another law, PL89-313, and these funds, too, are disbursed according to a formula: the number of students times the entitlement that the Division establishes.

In general, the funding formula for the 1985-86 school year worked like this: Under PL94-142, the allotment of \$245 per special needs student, times 125,000 students, equalled \$30,625,000. Under PL89-313, 14,500 students times \$750 equalled \$10,875,000.

PL89-313 is the oldest of the two laws. It was originally part of Title I of the Elementary and Secondary Education Act passed by Congress in 1965. It provides funds for students who are or were previously in state-operated and state-supported facilities—generally, students who are more severely handicapped.

PL94-142, unlike PL89-313, is a comprehensive law that is intended to help the entire special needs population. The PL94-142 grant to each state includes discretionary funds—up to 25 percent of the total—that may be used by the state for purposes such as support services and administration. The Division of Special Education keeps only part of this money—less than its counterpart agencies in most other states do. Five percent of the money is used for administrative purposes, and another 3 to 5 percent for payments to individuals and organizations for providing various services to handicapped students. The remainder goes to school systems for use on the local level.

Use of the federal money is subject to many regulations. For example, in order to be eligible for federal funds under PL94-142,

### Statewide average per pupil cost of Special Education

1973-74	\$1957
1974-75	2096
1975-76	2404
1976-77	2573
1977-78	2629
1978-79	2672
1979-80	2928
1980-81	3256
1981-82	3304
1982-83	3504
1983-84	3781
1984-85	4028

*Statewide average per pupil costs of special education have increased 93% since 1973-74. Statewide average per pupil costs for regular education have increased 135% since 1973-74.*

the Department of Education must prepare a State Plan every three years. The State Plan, which must be updated annually, describes how the federal funds are used and how the regulations are being met. A State Advisory Commission is involved in developing the plan, and the Board of Education releases the plan for public comment and review before giving it final approval and submitting it to the Governor of Massachusetts for comment. The final plan must be approved by the United States Secretary of Education.

Personnel from public and private schools received training this year in procedures for complying with regulations for use of the federal funds. Courses were given to more than 700 persons to explain such matters as record keeping, accounting procedures, system controls, line item/object budgeting versus program budgeting, working with auditors, and use of automation.

A new technology unit will help generate the statistics that the federal government requires. The unit includes an information system that keeps track of grants and child-count information. The information system will make day to day data readily available rather than accessible only through complex databases. The information will be used for work such as grants management and child counts. It will not generally be used for large-scale analysis.



## GREG

Eleven-year-old Greg was diagnosed soon after birth as having scoliosis, a severe spinal curvature, and congenital upper-limb deficiencies. Greg progressed from hospital programs and private schools to an integrated public school program and was in the sixth grade.

He spent a large part of each day in the regular classroom, learning such subjects as science, math, and reading, and learned social studies, English and spelling in a resource center.

Many adaptive devices were introduced to accommodate Greg's handicaps. Often, though, he put these aside in favor of mastering skills on his own. He wore no prosthesis, partly because it was feared that its weight would worsen the scoliosis, but also because such devices served to draw attention, a fact that made him uncomfortable.

Greg learned to type with his feet on a typewriter that was placed on the floor of the resource center. This was Greg's idea. The school's occupational therapist collaborated with Greg's resource room teacher to develop magnifiers and other equipment that enhanced Greg's typing

skills.

Greg used a tape recorder in all of his assignments except math, where examples were copied for him and he supplied the answer. Eventually the typewriter would be put aside and Greg would use a word processor in his writing and English assignments. Information found in Greg's books would be stored on diskettes that he could easily transport to and from school.

Greg used a tape recorder in all of his assignments except math, where examples were copied for him.

He participated in many class activities. Teachers often found it difficult to curtail his energy and his occasional tendency to push himself beyond the limits of his own endurance. He had many friends among his classmates, most of whom he has known since the first grade.

His resource room teacher said: "Greg is a challenge. He warms everybody's heart. We are all willing to do everything possible for him. He does not seem to have any limit to what he can do."

# HOW FEDERAL FUNDS FOR SPECIAL EDUCATION WERE SPENT IN MASSACHUSETTS

## FROM PL94-142

During fiscal year 1985 (statistics for fiscal year 1986 were not available when this report was prepared) the Massachusetts Department of Education funded 326 entitlement grants to local education agencies for special education that totalled \$27.2 million. Entitlement grants are not based on a competitive process; rather, they are based on a formula and are made on application.

Here is how the money was spent:

- \$19.6 million was used for salaries of teachers and other professional staff members.

- \$4.2 million was used for salaries of support staff.

- \$1.2 million was used for contractual services.

- \$.7 million was used for administrators's salaries.

- \$.3 million was used for equipment.

- \$1.2 million was used for all other expenses including supplies, staff fringe benefits and travel.

In addition, more than \$2 million in entitlement grants were awarded to the Department of Mental Health and the

Department of Public Health under PL94-142, for early intervention programs for children between birth and three years of age. Most of this money was used for salaries.

## FROM PL89-313

During fiscal year 1985 the Massachusetts Department of Education funded 375 entitlement grants that totalled \$9.4 million, to school systems and approved Chapter 766 private schools. Here is how this money was spent:

- \$6.0 million was used for salaries of teachers and other professional staff members.

- \$.7 million was used for salaries of support staff.

- \$.8 million was used for contractual services.

- \$.1 million was used for administrators' salaries.

- \$.2 million was used for equipment.

- \$1.6 million was used for all other expenses including supplies, equipment, and staff fringe benefits and travel.



## WHAT THESE FEDERALLY SUPPORTED PROGRAMS ACCOMPLISHED

Some of the education gains that this money helped to provide:

—Special needs students made measurable progress in reading, writing and arithmetic, and in skills such as building vocabulary and improving speech patterns.

—They received occupational, physical and speech therapy, and counseling.

—Blind students received mobility training, and deaf students learned sign language.

—Severely handicapped students learned typing, carpentry, cooking, food shopping, filling out forms, taking public transportation, and using money.

—Systematic efforts were made to contact 16- to 21-year-olds who were potential school dropouts.

—Procedures were developed to screen children for early childhood and kindergarten programs, and computerized registers were developed for all special education students.

—Funds were targeted to make certain that all special education instructional areas were comparable in quality with and as close as possible to the areas used for regular education; to give students with limited mobility barrier-free access to schools; and

to develop emergency evacuation plans.

—Parents were encouraged to become involved in the special education of their child, and students' educational plans were tailored to blend with their home environment.

—Advisory committees, parent/teacher associations, school committees, and parent groups were asked to participate in planning and evaluating special education programs.



## JOHN AND DAVID

John, a high school senior, was a member of the National Honor Society. He planned to attend college to study biomedical engineering. His brother, David, a sophomore, was voted most valuable player on the junior varsity football team.

Both brothers had profound hearing impairments. So did their mother, Judy, who recalled going to school when there was no mainstreaming, and no notetakers assisted in classes. She said that with the passage of Chapter 766 and with a school district that supports making provisions for the handicapped, much had changed.

Each brother was totally integrated into the regular classroom, and had his own notetaker for all classes. Their speech and hearing therapist reviewed the notes with each brother daily, and offered additional tutoring and language training, coordinated their academic program, and communicated frequently with their mother via a teletypewriter.

When John and David had returned to their public high school after attending a private school for the hearing impaired, they had made some concessions. Since classes were no longer taught in sign language, they could not communicate with their peers easily using this form of dialogue. However, teachers at the high school felt strongly that studying beside hearing students would motivate the brothers to improve their speech. And the brothers still maintained a link to resources for the deaf by means of a computer that lists data on college programs, notetakers, and interpreters.

Their speech and hearing therapist confirmed: "Both boys have been successful in every way."



# WATCHING OUT FOR PROGRAMS



The financial details of special education are not the only aspect of Chapter 766 that must be audited. Special education programs are audited too, in order to be sure that special needs students are getting good education services.

The programs are monitored by the Division of Special Education through its regional staff, which must make certain that schools follow all the regulations for providing services to students with special needs. To do this, the staff conducts periodic audits and investigations, reviews programs for compliance with regulations, and over a period of time visits every private and public school that serves special needs students.

Programs designed by private vendors who want to provide educational services to severely handicapped students also are reviewed. Close teamwork is necessary with a number of state human service agencies, including the Rate Setting Commission, which ultimately establishes tuition rates for those private programs that are approved by the Division.

Some communities have a broader range of special education services than others, so the bureau is a resource agency for those private and public schools that need assistance of a technical nature in order to comply with regulations. It helps to develop programs or locate programs for students

who have low incidence handicaps, and also monitors collaboratives, in which schools join together to provide special education services. The collaboratives are extensions of the public schools, and are managed and funded by the public schools.

Managing a complaint process is also part of the staff's responsibilities. Typical complaints concern transportation of a special needs student, delays in the evaluation process, or lack of a service such as speech therapy.

Complaints are usually filed by parents of a child who has special education needs. They may be filed at a regional education center. An educational specialist who will try to resolve the problem. If the efforts are successful the regional center will write a letter to the local education agency outlining the circumstances, and a copy of the letter will go to the complainant. If the efforts are unsuccessful, the complainant can appeal to the regional center director. If no solution is reached, an appeal can be made to the Associate Commissioner for Special Education. The next step in the process is the Department of Education legal office.

Another responsibility involves what are known as prima facie denials. Chapter 71B Section 6 of the General Laws says it is the responsibility of the Department of Education to monitor local school districts to

see if they have proper enrollments of minority students. The compliance is checked in the spring of each year, based on statistical analysis of the school population for the preceding year.

When it appears from the data that there is a disproportionate number of minority students receiving special education—either too few students or too many—warning letters are sent to the school districts, which must write a corrective action plan that is monitored by the Department of Education. During Fiscal Year 1985 five communities were officially cited for noncompliance and nine were being monitored for compliance.

Other responsibilities in the area of program auditing include:

- Reviewing and, where necessary, revising the regulations for approval of private school programs and the standards by which both public and private program compliance is determined.

- Computerizing private and public school information so that it can be readily retrieved when needed.

- Developing and disseminating a resource guide, which describes successful practices and program models for providing vocational education to special education students.

- Assisting in coordination of cooperative efforts that involve other government agencies.

- Helping to develop special education programs that ensure equal access to education for all handicapped students.

During the current year, program audits have been scheduled at 42 private schools. Nine public schools have had program audits and 22 have had compliance reviews. There have been 45 follow-up visits to schools that were audited previously, 120 “desk reviews”—audits that don’t require onsite visits—and six audits of private, out-of-state programs that provide special education to Massachusetts students.

Several major projects are under way in the area of program auditing. Among them:

1. Regulations for Chapter 603, Section 18, which deals with the approval of private special education schools, have been refined. Changes were made in the way the law is implemented and monitored, in order to achieve greater consistency and efficiency.

2. A policy regarding practices that are permitted for disciplining special education students has been enacted, and monitoring standards are being delineated for this policy.

3. New monitoring standards have been written to spell out procedures for graduating special needs students from schools under Chapter 688.

4. Revised monitoring standards, which reflect revised Chapter 766 regulations, are

being considered.

5. New monitoring procedures for collaboratives are being field tested.

6. A major computerization effort is under way, to assist in collecting and analyzing private and public school monitoring data.



## PAULA

Sometimes a student far exceeds the expectations of teachers, parents and employers. Such is the case with Paula, a former special needs student.

She is almost completely nonverbal, cannot read or write, and has limited number skills, but works at a small electronics company and has great enthusiasm for her job.

Because of her handicaps, employment in a competitive atmosphere was never viewed as a viable option for Paula. Indeed, she was originally accepted at the electronics company so that she could acquire skills she needed for employment in a sheltered workshop. However, her positive attitude, her steady attendance, and her attention to tasks led

to the offer of a job.

Why did Paula succeed? Her company training supervisor credited on the job training and company backing of the supported work program. Paula's mother attributed Paula's adjustment to the training in independent living, communication, and interpersonal relationships that Paula received in a transitional employment program. This program was conducted by a school collaborative group, using funds from the Massachusetts Department of Education's Division of Special Education. The staff in that program believed Paula's own performance and social skills were vital in making her transition from school to the world of work.

# MEETING THE NEED FOR TRAINING

Teachers and school administrators who work with special education students need to constantly replenish their knowledge and keep up with developments in their field. The Department of Education helps them do this through training grants, workshops, conferences, and publications.

There are two kinds of grants for training:

1. Technical Assistance Grants, and
2. Commonwealth Inservice Institute grants.

Technical Assistance Grants are designed to improve school programs and develop curriculums and staff expertise. They are used for such purposes as improving the instruction of students with low-incidence handicapping conditions, or bilingual special education.

Over the past five years local schools have received more than \$1 million in Technical Assistance Grants, of which nearly \$350,000 were disbursed to local education agencies during the 1985-86 school year.

Commonwealth Inservice Institute grants are for training educators in areas including bilingual special education and vocational/career education.

Local schools have received more than \$750,000 over the past five years through the Commonwealth Inservice Institute grants, which provide training to school personnel, parents, and volunteers. During the 1985-86

year schools received 136 grants that total \$257,683 and average \$1,895.

The grants provide help in a variety of ways. Educators who have benefited include:

- Counselors struggling to present vocational or career options to special needs students.
- Parents who want to form a parent advisory council, serve as a more effective advocate for their special needs child, or achieve a better continuity between the work of the child in the classroom and work done with the child at home.
- Special education teachers who want to introduce computers to the instruction process they use for special needs students.
- Administrators developing their outreach, screening and assessment efforts, or establishing preschool programs for young students with special needs.
- The teaching staff at a regional vocational school, who receive support for a program that provides skills they needed to assess special needs students' strengths and aptitudes—and to interpret the assessments, so they can develop educational plans for students.
- Bilingual parents and school staff members in a central Massachusetts community who receive training in a special



education team evaluation process, which helps bilingual parents become more involved in their children's education.

- The entire staff of a private school that serves Chapter 766 students, taking part in a 30-hour program to give them techniques for teaching mobility and orientation skills to blind multi-handicapped students, and to help them adapt these students' indoor environments to meet the students' needs.

Beyond the scope of the Technical Assistance grants and the Commonwealth Inservice Institute grants is a third training program, which is intended to help administrators. Using funds from a federal grant, a Leadership Academy has been developed in cooperation with Boston College. Over two years this program has trained more than 170 special education administrators in workshops conducted in collaboration with the Boston College Graduate Department of Education. The topics covered in five sessions were legal issues, data management, planning and budgeting, human resource management, and special education program management. Sessions were held in four Department of Education regional centers, led by personnel from the Division of Special Education, local school districts, and Boston College. The emphasis was on practical solutions to real problems.

Local special education administrators also have received training in the

implementation of the state-developed model, "Special Education Program Evaluation: A Management Tool." During March, April and May of this year about 140 local education agency staff members were trained at three sites. More training is planned for the fall, to help local administrators comply with the mandate to evaluate all special education programs every three years.

Training opportunities also were provided from a variety of other sources. For example:

- Seventeen training sessions were conducted throughout the state at which more than 500 state and local staff members were trained in administering federal grants, and in budgeting and auditing for public agencies.

- A statewide conference was held in May to discuss issues in adolescent education. Topics included dealing with aggression, depression and suicide in adolescents, reaching out to incarcerated youth with special needs, and counseling for emotionally disturbed students. A series of training seminars that addressed critical topics of adolescence took place in the Boston and Central Massachusetts districts. Teacher training workshops were held in Waltham during March and April, for teachers of behaviorally disordered students.

- Training for private school education

specialists was provided. Additionally there was training for intervention teams on the role of the Department of Education, and ongoing training in use of computers by local education agencies.

Other forms of training include developing special education programs, and identifying promising educational practices that seem worthy of statewide replication.

Sixteen promising practices were selected by committees working from the six regional education centers, and were disseminated statewide through publication of a *Promising Practices Handbook* that contains outlines of each program.

The promising practices also are discussed at workshops for school personnel. Over the past five years more than 70 such practices have been identified for use with special needs students in 27 topic areas. Printed materials describing each of these practices were provided to every local school district and to awareness workshops that were conducted in the regional centers.

Publications are produced to help special education teachers and administrators. The newest is *Computers in Special Ed*, a newsletter issued seven times a year that provides ideas for using computers effectively with special education students. A second newsletter, *Training Times*, is being planned for personnel who are responsible for training. A third publication, a calendar issued monthly, lists opportunities for training provided by the Division.

Workshops and conferences are offered frequently. As an example, early childhood special education will be the theme of a statewide conference in October 1986, in North Falmouth, that is designed for early childhood administrators, teachers, direct service providers, parents, and others concerned with providing programs and services to preschool children with special needs.

Training in telecommunications is being accomplished through SpecialNet, a nationwide telecommunications system for special educators. Twenty-three school districts and five collaboratives participated in the first part of a pilot test, and 27 additional districts in a second phase.

The SpecialNet service is becoming increasingly useful to special educators. A recent survey showed, for example, that 75 percent of the Central Massachusetts school districts, vocational/technical schools and collaboratives that took part in the pilot test intend to use this service in the fall of 1986.

SpecialNet provides electronic mail between agencies, plus bulletin boards on topics such as computers, early childhood education, federal legislation, litigation, grants, educational practices, and vocational education and personnel development.

Use of this system enables special educators to cut down on the time required to set up meetings and to contact people in emergencies; share resources and communicate with the Department of

Education easily; and quickly obtain up to date information from the state and federal governments.

One of the most colorful aspects of special education is the Very Special Arts program. It has mobilized and trained hundreds of teachers, parents, artists, administrators and volunteers who support a wide range of activities that encourage the use of the creative arts with individuals who have special needs. More than 15,000 persons have participated in Very Special Arts Festivals over the past five years. More than 250 artists have taken part in classroom activities and more than 1,250 artists, parents and teachers have been involved in arts training programs.

The Very Special Arts activities are a

unique public/private partnership, in which the private agency provides the program and the Department of Education provides coordination. Activities are conducted cooperatively with Very Special Arts—Massachusetts, Inc., through collaboration with dozens of Massachusetts cultural groups, community organizations, schools, institutional facilities, universities and corporations. Program funds provided by Very Special Arts—Massachusetts, Inc. have made it possible to present creative arts festivals; training for artists, parents and teachers; and visits by artists to classrooms across Massachusetts. Local advisory committees help with awareness, audience-building, and fund-raising.



## AMY

Amy's family moved away from Massachusetts when she was two years old. The parents had assumed they would be able to find the same kinds of services for their handicapped daughter that she had received in Massachusetts. Amy had been in an early intervention program from the time she was eight months old.

However, they were unable to find a program for Amy in their new state, and the child, who had cerebral palsy, became withdrawn and unhappy. When she turned three, her family decided to return to Massachusetts.

Even before they had actually moved, they took Amy to what would be her local school, and on the day they returned to Massachusetts Amy was in a diagnostic program and delighted to be back in school. She was blooming again in no time, and continued to bloom through two years of a preschool program, a year of regular kindergarten, and three years in regular grades.

She attended classes in a building that is accessible to her wheelchair. An aide was available to help Amy in the lunch

room and bathroom and at bus time, but other than those times she was completely independent.

When Amy's mother talked about the support services her child has received over the years, she praised the resourcefulness of the physical and occupational therapists who adapted equipment for Amy to use. She said she continued to be amazed and grateful that the teachers, therapists and aides have a feeling for what it must be like for Amy to attend school in a wheelchair. She noted that even when it would be easier not to include Amy in certain activities, every effort was made to include Amy by adapting equipment and materials.

A few years ago, just before Amy was about to get her first wheelchair, her mother showed her a picture of it. Amy was excited and asked how soon she would be walking after she learned to use the wheelchair. Her mother told her she hoped Amy would walk, but probably would not.

Amy's reply: "Oh, but I can sing, Mommy!"

## EDUCATING STUDENTS IN STATE FACILITIES



The Department of Education is responsible for providing or arranging for special education required by students who reside in institutions that are under the control of the Department of Health, Department of Public Health, Department of Youth Services, and the county Houses of Correction.

The latter three departments and the Houses of Correction maintain general responsibility for the youth's health, regular education and well being, while the Department of Education operates an interim special education program while the student resides in a state-operated or supported facility.

This relationship requires a coordinated effort between the Department of Education, other human service agencies, and local education agencies, which have the responsibility of providing special education

from the age of three to the person's 22nd birthday. Chapter 766 and the federal PL94-142 require that the local education agency be held accountable and responsible for these young people, regardless of where they are placed for schooling, with respect to their special needs.

The goal of special education programs is to provide education in the least restrictive environment. The Department of Education, through its Local Education Agency Incentive Grant Program and through community based programs where feasible, works with the state human service agencies and with local education agencies to return students from institutional residences and programs to the public school and community residence system. Such incentive grants and programs totalled \$2 million this year.

Special education is provided to students

who reside in facilities that can be classified under five categories:

—Department of Mental Health state schools. Students residing in these schools usually have multiple handicaps, and their medical histories are involved.

—Department of Public Health facilities. Students are admitted to these facilities for medical reasons, upon a physician's order.

—Department of Mental Health state hospitals. Students are admitted for psychiatric and psychological reasons. Special education services are provided to all students in this category who are under the age of 22 and who do not have a high school diploma.

—Department of Youth Services facilities. Students are placed in these facilities by court decisions.

—County Houses of Correction. Students in these facilities are inmates who have been sentenced by the courts. Inmates who are under 22 years of age, without a high school diploma, are entitled to special education services.

For the past five years, both the nature of the special needs population which the Department of Education has a mandate to serve and the number of students to be served has shifted dramatically. Eight years ago, more than 95 percent of students

educated in institutional schools were in education programs on the grounds of the state facilities in which they resided. By 1985, this figure was only 24 percent.

Several projects involving students in state facilities are under way. They include:

- Working with the Department of Youth Services in a three-part effort that should 1) improve parental input into special education procedures; 2) ensure that parental consent is obtained before students are tested or educational records are released; and 3) assure that the people who are responsible under the law have appropriate participation in the process of developing individualized instruction plans.
- Computerizing the student census so that on a given day the Department of

Education can 1) have an exact count of students and 2) ensure that individualized education plans are developed in compliance with state and federal law.

- Studying the feasibility of using computers in the Department's central office for maintaining records of students in institutions. As part of a pilot program the Boston district will use a computer and a telephone line to report its figures directly to the central office.
- Increasing students' use of computers for instructional purposes. In addition to using computers for drill and practice, software will be obtained that improves students' conceptual and cognitive activities.



## ROBERT

Robert, 22, had severe learning disabilities including dyslexia and deficiencies in visual and auditory memory. He also had a psychiatric disability that was manifested by seclusive behavior, limited interaction with other people, and hallucinations. Sometimes his difficulty in expressing himself led to impulsive actions.

Robert resided with his parents in a North Shore community and attended high school until he dropped out at age sixteen. His public school history had included special education services from the age of ten.

Robert's problems led him to a private psychiatric hospital. Soon after he was discharged, he was convicted of criminal mischief and trespassing. The judge sent him to a county House of Correction, where Robert attempted suicide. He was transferred to a state hospital.

An evaluation confirmed his learning disabilities and memory problems, which were evident in his inability to follow

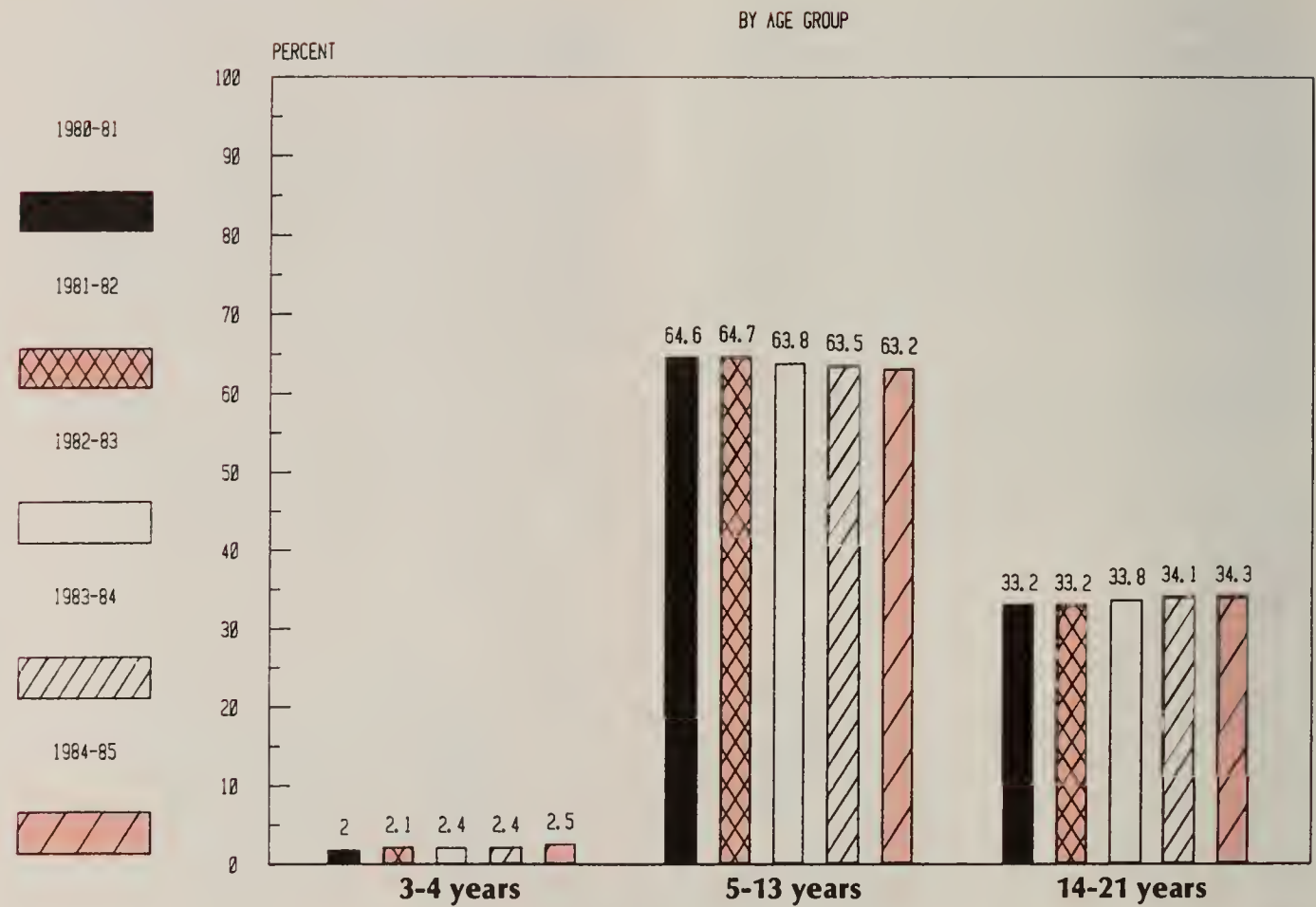
simple written and verbal directions, in poor reading skills, and in little recall of factual information.

Special education services were designed for him by a representative of the Massachusetts Department of Education's Division of Special Education. The goal was to improve his concentration and independent functioning.

After making substantial gains, Robert was placed in a Department of Mental Health group residence and accepted into an alternative public high school program. Here, in a small group setting, he was taught math, reading, English, social studies and science, and received vocabulary development training. Counseling was provided individually and in small groups, and he took part in structured leisure activities.

Robert continued to make progress educationally. He was expected to graduate with a high school diploma.

# Age levels of the Special Education population



Source: "School System Summary Report"

# SAFEGUARDING THE RIGHTS OF STUDENTS AND PARENTS

Chapter 766 says parents are entitled to a voice in decisions that involve their child's education. Parents must be consulted, and must approve any plans for the special education of the child. Guarding these rights is the responsibility of the Department of Education.

Chapter 766 also says parents may appeal decisions made by local school systems, and over more than a dozen years the Department's Division of Special Education has conducted numerous hearings to decide questions such as whether a student's individualized education plan is meeting the student's needs.

In recent years the character of appeals has been changing. Rather than relatively simple matters, many appeals now concern complex legal and factual matters. These might involve students who have exceptional education needs, who are emotionally disturbed or who have severe mental or physical handicaps.

The recent changes have several causes. One is that parents now have more experience with Chapter 766 than parents had a decade ago, have more knowledge of the appeals system and higher expectations from 766. Another is that a new group is using the appeals process—the parents of children in the early childhood group, three to five years of age. A third is that local

education agencies today are better able to provide for mildly and moderately impaired youngsters, and the appeals filed are on behalf of students more severely in need of special education than the typical student was 10 years ago.

More than 60 percent of appeals are settled through the work of six mediators in regional offices around the state. If an appeal cannot be settled through mediation, formal hearings are conducted by Department hearing officers. If the problem is not resolved at this level, it may be taken to the courts.

A formal hearing can be an emotional experience that results in frayed tempers. It can foster the perception that there is an imbalance in decisions, that one side or the other is being favored. Parents have been known to contend that schools are favored; school systems have said the hearing officers decide most often in favor of parents. The fact is that neither side has prevailed more often than the other: the records show that 30 percent of the hearings result in findings that favor parents, 30 percent favor schools, and 40 percent result in modified decisions that represent a compromise between parents and schools.

Reasons for appeals vary widely. They could involve, for example, a request by a parent for special education services at a

private school or an additional service from a local education agency. Or, an appeal could concern special education services provided in cooperation with other human services operations such as the Department of Youth Services or the Department of Social Services.

Massachusetts has what may be the most sophisticated appeals process of any state—and also has more appeals per population than most other states, for several reasons: In Massachusetts, parents tend to be knowledgeable about the law; the appeals process here is very visible; and there are a number of private schools which can provide an alternative to special education in public schools. (In some states it is illegal to use public money to pay for private schooling, and parents have no such alternative for their children's education.)

More and more unanswered questions about special education are being resolved by the appeals process and the courts. The outlook is for an attendant increase in litigation involving questions about which human service agency is responsible for helping a student with special needs. Conflicts sometimes develop in this arena because students are *entitled* to special education services and only *eligible* for services from other agencies.

Two recent court decisions involving appeals decisions have attracted widespread attention in recent months. One is *David D. vs. the Dartmouth School Committee*. The

second is *Town of Burlington vs. the Massachusetts Department of Education*.

The *David D.* case is significant because the U.S. Court of Appeals determined that the state law standard applies in serving handicapped students. The decision also allows state standards to be applied in federal court cases.

The suit involves the difference between Massachusetts' Chapter 766, which guarantees the maximum possible development of a student, and the Federal PL 94-914, which guarantees a free, appropriate public education. The appeals court ruled that the Congress specifically intended PL 94-142 to incorporate state special education laws.

The issue was whether *David D.*, a student with significant disabilities who is now 18 years of age, could receive a free appropriate public education in a substantially separate program in the Dartmouth Public Schools, or whether his unique educational needs required a residential placement. The Department's hearing officer, reviewing the individualized educational plan offered by Dartmouth, found that the school's program, if modified to include additional counseling, was adequate and appropriate to meet *David's* educational needs. The hearing officer said the local school environment was appropriate, and ordered day services and counseling for both the boy and his parents. The parents, who had sought to place *David*

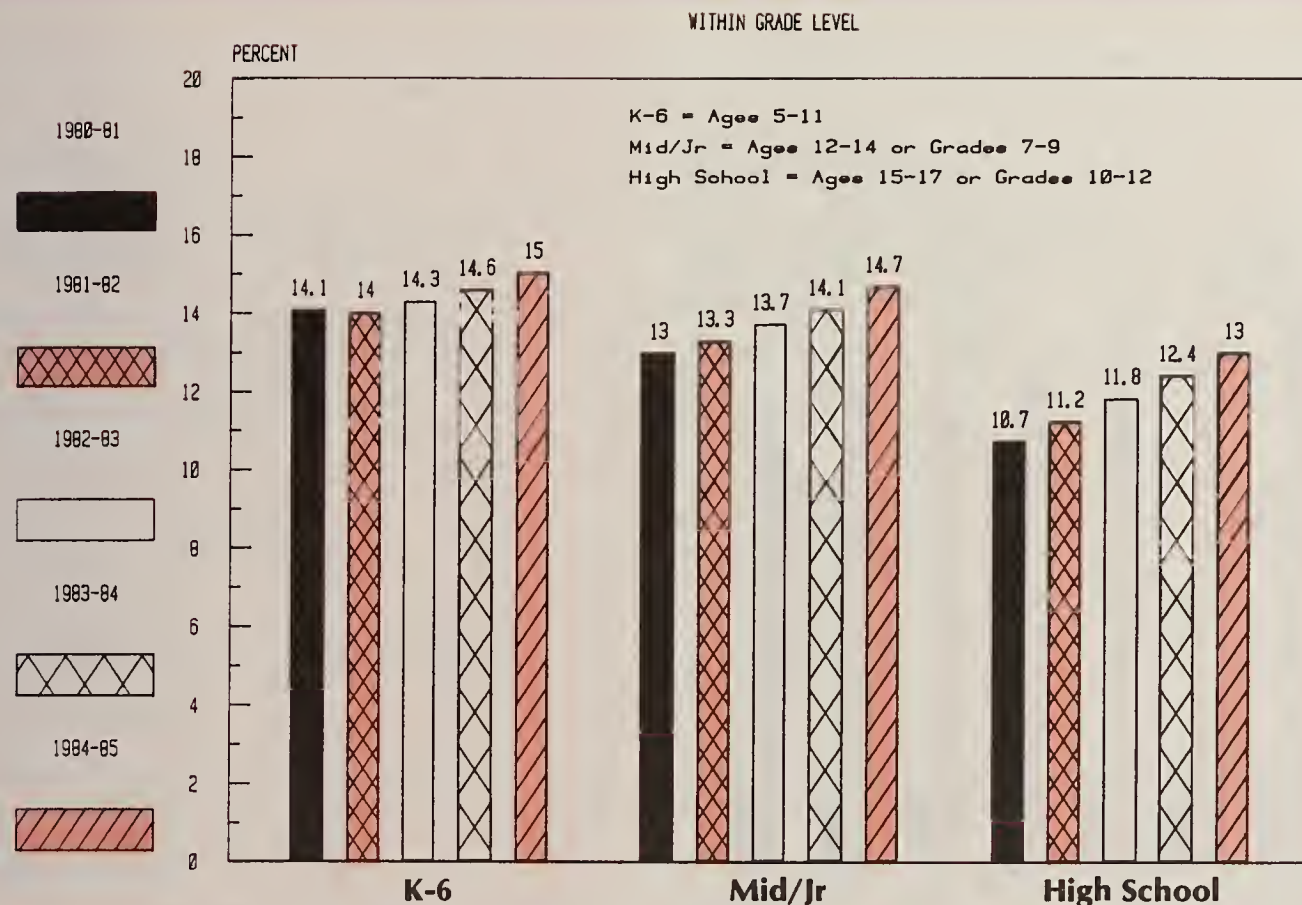
in a private school, appealed. The federal court said that under the state standard the boy was entitled to be enrolled in a 24-hour behavior modification program. The United States Supreme Court on April 28 turned down an appeal by the Department of Education and let stand the lower court's ruling.

The suit involving the *Town of Burlington vs. the Massachusetts Department of Education* also went to the United States Supreme Court. The case is significant because it says that a remedy of retroactive reimbursement is available under PL 94-142 to parents who place their child in a private school, when circumstances dictate.

The suit, filed in 1980, involved the parent-initiated placement of a student with special needs in a private school. The Department's hearing officer upheld the placement made by the parents, but the town appealed. After several intermediate proceedings, appeal was made to the U.S. Supreme Court. The case has been remanded for factual findings consistent with the court's opinion, which ruled that retroactive reimbursement was a remedy available under PL94-142 and gave a liberal interpretation of the "placement pending appeal" provision.

Because of court decisions such as these, and the large volume of cases that have been heard in Massachusetts, the appeals process used in this Commonwealth has been studied more than any such process in the

# Grade levels of the Special Education population



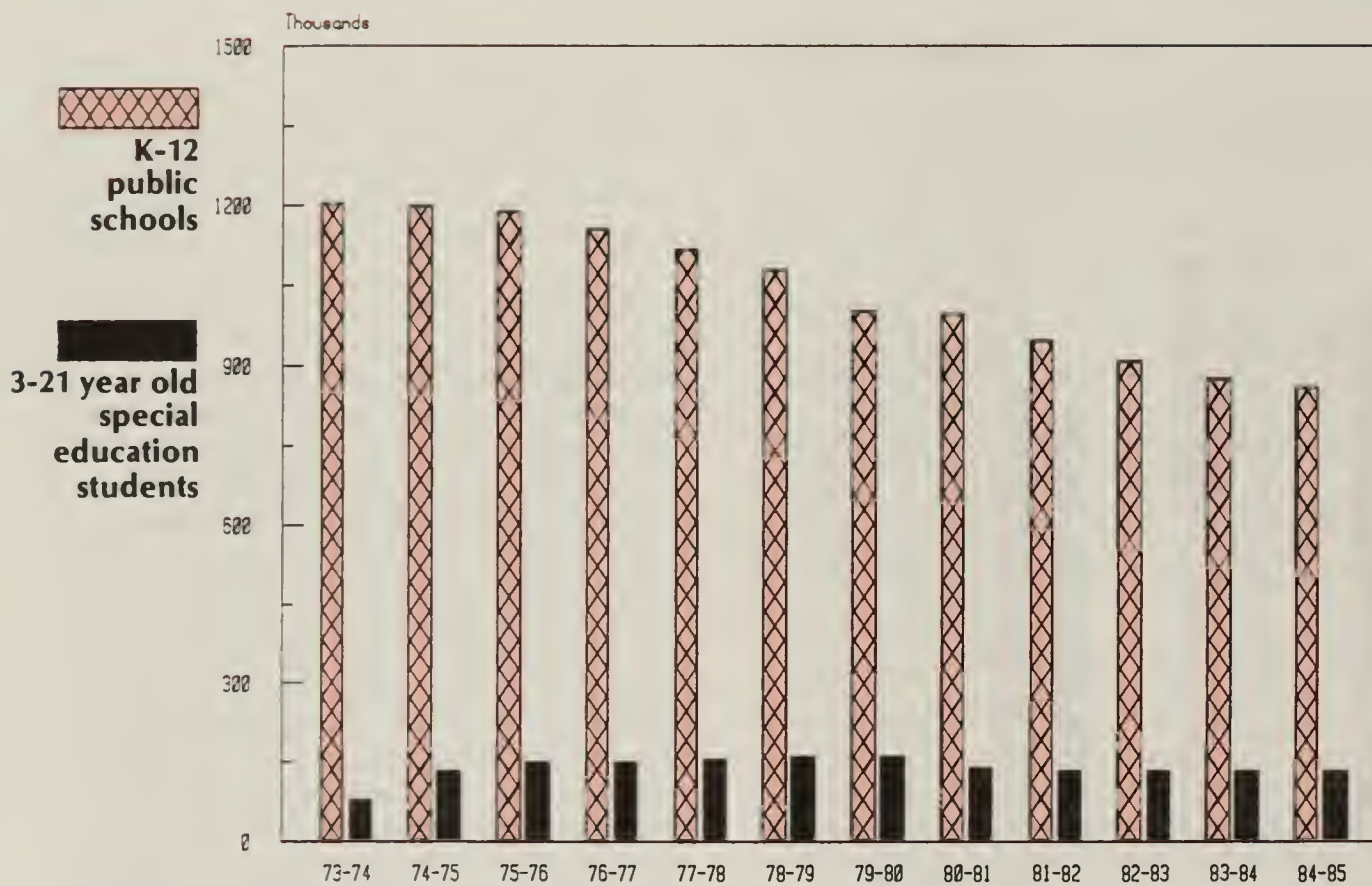
Source: "School System Summary Report"

nation. There are also additional reasons for this multitude of studies: One is the fact that Massachusetts uses mediation as a formal option in the appeals process, and uses it sooner; another is the general perception that the appeals process is working in Massachusetts.

One of the reasons the process works is that there has been a continued stress on making it more workable and on achieving a satisfied client. During recent months the Department of Education has been analyzing the effectiveness of hearings and mediation, using a task force that will study 1) the question of whether parents, school systems, and attorneys perceive the process as a fair one; and 2) the impact of decisions on local education agencies and on an individual student or a group of students. The task force also will be testing conclusions of previous studies.

Results of this analysis will be evaluated to determine whether changes should be made so that the process can better meet the needs of students and their parents in the years to come.

## Statewide average enrollments



Source: School System Summary Report

Individual School Report

1207 105



## FOR MORE INFORMATION

### CENTRAL OFFICE

Office of the Associate Commissioner  
Roger W. Brown (617) 770-7468

Office of the Executive Director  
Judith I. Riegelhaupt (617) 770-7432

Bureau of Institutional Schools  
Andre Moore, Director  
(617) 770-7472

Bureau of Management  
Richard Knox, Director  
(617) 770-7464

Bureau of Program Audit and Assistance  
Robert Johnson, Director  
(617) 770-7443

Bureau of Program Development and  
Evaluation  
Sharon Goldsmith, Director  
(617) 770-7481

Bureau of Special Education Appeals  
Carol Kervick, Director  
(617) 770-7499

### REGIONAL CENTERS:

Central Mass. Regional Center  
Beaman Street, Route 140  
West Boylston, MA 01583

Greater Boston Regional Center  
63 Acton Street  
Arlington, MA 02174

Greater Springfield Regional Center  
88 Massasoit Avenue  
West Springfield, MA 01089

Northeast Regional Center  
219 North Street  
North Reading, MA 01864

Northwest Regional Center  
Mark Hopkins Hall—Church Street  
North Adams, MA 02147

Southeast Regional Center  
P.O. Box 28  
Middleboro, MA 02346

Joan Schuman, Director  
John Stager, Acting Sped. Director  
(617) 835-6266


Marlene Godfrey, Director  
Sped. Director (Vacant)

Ann Schumer, Director  
Janice Lackowitz, Sped. Director  
(413) 739-7271

Katherine Best, Director  
Bill Ferris, Sped. Director  
(617) 727-0600

Ron Areglado, Director  
Gail Tanzman, Sped. Director  
(413) 664-4511

E. Curtis Hall, Director  
Ben Charland, Sped. Director  
(617) 947-1231



---

Massachusetts Department of Education  
Division of Special Education  
1385 Hancock Street  
Quincy, MA 02169

---

Nonprofit  
U.S. Postage  
**PAID**  
Permit No. 55623  
Boston, Mass.

---

